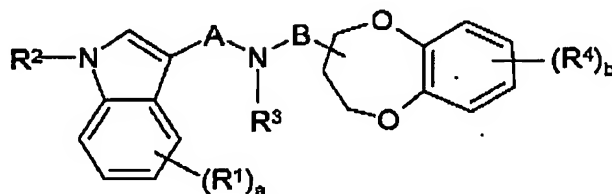


This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) ~~Benzodioxepines of the~~ A benzodioxepine compound of formula I



in which

- $R^1$  are, each independently of one another, ~~is selected from~~ alkyl,  $(CH_2)_mOD$ ,  $(CH_2)_mCN$ ,  $(CH_2)_mCOR^5$  or  $(CH_2)_mCH_2R^5$ ,  ~~$(CH_2)_mCH_2R^5$ , where m=~~
- $m$  is 0 or 1,
- $R^2, R^3$  are, each independently of one another, ~~is selected from~~ H, or alkyl having 1 to 5 C atoms,
- $R^4$  are, each independently of one another, ~~is selected from~~ alkyl having 1 to 5 C atoms, heteroalkyl having 1 to 5 C atoms, alkoxy having 1 to 5 C atoms, alkoxyalkyl having 2 to 5 C atoms, Hal, CN,  $COR^5$  or OH,
- $R^5$  stands for OD,  $NH_2$ , NHD or  $ND_2$ ,
- A stands for  $C_nH_{2n}$ , where n=
- n is 2, 3, or 4,
- B stands for  $C_pH_{2p}$ , where p=
- p is 0, 1, 2, 3 or 4,
- D are, each independently of one another, ~~is selected from~~ H, alkyl having 1 to 5 C atoms, alkoxyalkyl having 2 to 5 C atoms, aryl or aralkyl
- a, b stand for 0, 1 or 2, and

Hal stands for F, Cl, Br or I,  
or a pharmaceutically acceptable salt or solvate thereof and physiologically tolerated salts and solvates thereof.

2. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, wherein ~~characterised in that the radicals~~  $R^2$  and  $R^3$  stand for H.

3. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, wherein ~~characterised in that the radicals~~  $R^2$  and  $R^3$  stand for H and at  
 least one radical  $R^1$  stands for  $(CH_2)_mCN$ .

4. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, wherein ~~characterised in that a~~  $(CH_2)_mCN$  is in the 5-position of the  
 indole ring ~~and a preferably stands for 1 and m preferably stands for 0.~~

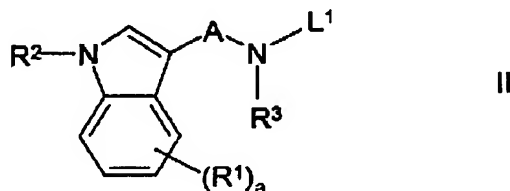
5. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, wherein ~~characterised in that~~ A stands for  $C_nH_{2n}$  where  $n = 4$  and B  
 stands for  $C_pH_{2p}$  where  $p = 1$  or 0.

6. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, wherein ~~characterised in that~~  $R^1$  stands for  $(CH_2)_mCN$  in the 5-position  
 of the indole ring and a stands for 1 and m stands for 0,  $R^2$  and  $R^3$  stand for H, A stands for  
 $C_nH_{2n}$  where  $n = 4$  and B stands for  $C_pH_{2p}$  where  $p = 1$  or 0.

7. (Currently Amended) ~~Benzodioxepines of the formula I~~ A compound  
 according to Claim 1, which is selected from the group consisting of  
 N-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)-4-(5-cyano-3-indolyl)butylamine,  
 3-{4-[7-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino]butyl}indole-5-carbonitrile,  
 3-{4-(6-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl}indole-5-carbonitrile,  
 3-[4-(6-methoxy-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl]indole-5-carbonitrile,  
or and  
 3-[4-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)methylamino]butyl]indole-5-carbonitrile.

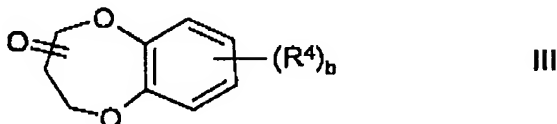
8. (Currently Amended) ~~Process for the preparation of benzodioxepines of the formula I~~ A process for preparing a compound according to Claim 1, comprising  
characterised in that

a) reacting a compound of the formula II



in which L<sup>1</sup> denotes H or a metal ion and R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, A and a have the meanings indicated in Claim 1,

b) ~~is reacted~~ with a compound of the formula III



~~where, in the formula III, in which~~ R<sup>4</sup> and b have the meanings indicated ~~above and below for~~  
the in Claim 1,  
and optionally

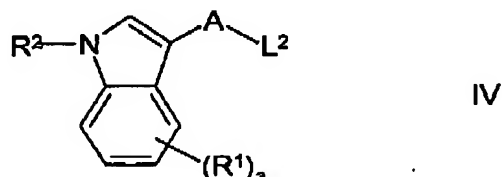
c) ~~a reduction step is optionally carried out~~ optionally reducing the resultant compound,  
and

d) optionally converting the resultant compound ~~of the formula I is optionally~~  
~~converted~~ into one of its salts by treatment with an acid.

9. (Currently Amended) ~~Process for the preparation of benzodioxepines~~

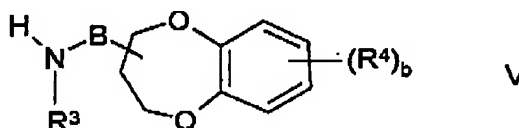
~~of the formula I~~ A process for preparing a compound according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof, comprising and physiologically tolerated salts and solvates thereof, characterised in that

- a) reacting a compound of the formula IV



in which L² denotes Cl, Br, I, OH, a reactively esterified OH group or a diazonium group and R¹, R², A and a have the meanings indicated in Claim 1,

- b) ~~is reacted~~ with a compound of the formula V



in which R³, R⁴, B and b have the meanings indicated in Claim 1, and optionally

- c) converting the resultant compound of the formula I ~~is converted~~ into one of its salts by treatment with an acid.

10-11. (Cancelled)

12. (Currently Amended)

~~Process for the preparation of~~ A process for preparing a pharmaceutical composition, comprising binging into a dosage form characterised in that at least one compound of the formula I according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof and/or one of its physiologically tolerated salts or solvates is

brought into a suitable dosage form together with at least one pharmaceutically acceptable solid, liquid or semi-solid excipient or adjuvant.

13. (Currently Amended) ~~Pharmaceutical~~ A pharmaceutical composition, ~~comprising a characterised in that it comprises an effective content of at least one compound of the formula I according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof and a pharmaceutically acceptable excipient or adjuvant and/or one of its physiologically tolerated salts or solvates.~~

14. (New) A compound according to Claim 4, wherein a stands for 1.

15. (New) A compound according to Claim 4, wherein m stands for 0.

16. (New) A compound according to claim 1, which is said compound or a pharmaceutically acceptable salt of said compound.

17. (New) A compound according to Claim 1, which is  
N-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)-4-(5-cyano-3-indolyl)butylamine,  
3-{4-[7-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino]butyl}indole-5-carbonitrile,  
3-{4-(6-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl}indole-5-carbonitrile,  
3-[4-(6-methoxy-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl]indole-5-carbonitrile,  
or  
3-[4-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)methylamino]butyl]indole-5-carbonitrile,  
or a pharmaceutically acceptable salt thereof.

18. (New) A compound according to Claim 1, wherein  $R^2$  and  $R^3$  stand for H, or a pharmaceutically acceptable salt thereof.

19. (New) A compound according to Claim 1, wherein  $R^2$  and  $R^3$  stand for H and at least one radical  $R^1$  stands for  $(CH_3)_mCN$ , or a pharmaceutically acceptable salt thereof.

20. (New) A compound according to Claim 1, wherein a  $(\text{CH}_2)_m\text{CN}$  is in the 5-position of the indole ring, or a pharmaceutically acceptable salt thereof.

21. (New) A compound according to Claim 1, wherein A stands for  $\text{C}_n\text{H}_{2n}$  where  $n = 4$  and B stands for  $\text{C}_p\text{H}_{2p}$  where  $p = 1$  or  $0$ , or a pharmaceutically acceptable salt thereof.

22. (New) A compound according to Claim 1, wherein  $\text{R}^1$  stands for  $(\text{CH}_2)_m\text{CN}$  in the 5-position of the indole ring and a stands for 1 and m stands for 0,  $\text{R}^2$  and  $\text{R}^3$  stand for H, A stands for  $\text{C}_n\text{H}_{2n}$  where  $n = 4$  and B stands for  $\text{C}_p\text{H}_{2p}$  where  $p = 1$  or  $0$ , or a pharmaceutically acceptable salt thereof.